

ments and rights in streets, and in the bed, and to the use, of a stream. The words "in the same" as used in this section, refer to "the property taken or the bounds of the land condemned" described in the inquisition, and not to any estate or interest in land not so described. *Shipley v. Western Md. R. R. Co.*, 99 Md. 130.

Generally.

This section necessarily implies that reasonable notice shall be given the owner of the proposed inquisition. Notice to the owner after the inquisition has been returned to the court, is not sufficient. This section is not in conflict with the state or Federal Constitution. *Baltimore, etc., R. R. Co. v. Baltzell*, 75 Md. 98. *Cf. George's Creek, etc., Co. v. New Central, etc., Co.*, 40 Md. 437. And see *Pitznogle v. Western Md. R. R. Co.*, 119 Md. 683.

If the party whose land has been condemned for the use of a railroad company, fails to except to the ratification of the inquisition, or to appeal from an order of court determining that the company has the power of condemnation, he cannot afterwards rely upon the company's lack of power as a ground for injunction. *Dolfield v. Western Md. R. R. Co.*, 107 Md. 584. And see *Baltimore, etc., Turnpike Road v. Baltimore, etc., R. R. Co.*, 81 Md. 257; *Hamilton v. Annapolis, etc., R. R. Co.*, 1 Md. Ch. 109.

Since this section does not provide for an appeal, no appeal lies, provided the lower court has jurisdiction. Objections to an inquisition held to be mere irregularities, and not jurisdictional. *Textor v. B. & O. R. R. Co.*, 107 Md. 223. And see *New York Mining Co. v. Midland Mining Co.*, 99 Md. 508; *Chesapeake and Ohio Canal Co. v. Western Md. R. R. Co.*, 99 Md. 576; *Dolfield v. Western Md. R. R. Co.*, 107 Md. 584; *George's Creek, etc., Co. v. New Central, etc., Co.*, 40 Md. 437.

This section, *et seq.*, referred to in deciding that art. 89B, section 4, so far as it confers the power, and regulates the procedure of condemnation, were not repealed by the adoption of art. 33A of the Code, particularly in view of sec. 15 of art. 33A. *Kochler v. State Rds. Com.*, 125 Md. 446.

If a railroad company organized under the general law, attempts to condemn property outside its legal route, the inquisition will be enjoined. Inquisition upheld. See sec. 209. *Piedmont, etc., Ry. Co. v. Speelman*, 67 Md. 272.

This section and secs. 207-212 referred to in construing art. 89B, sec. 40. *Dunn v. State*, 162 Md. 283.

See secs. 153, 185, 319, 328, 330, and notes to sec. 329, *et seq.*, and 344 and 388. See also art. 33A.

An. Code, 1924, sec. 204. 1912, sec. 270. 1904, sec. 252. 1892, ch. 657, sec. 167A.

207. The notice of the time and place of the meeting of the jury of inquisition, given by the company to the owners or owners, shall be served by delivering a copy of the same to every such owner, if such owner can be found within this State; and in case the owner be an infant or *non compos mentis*, in addition to the service on such owner, a copy of the notice shall be left with the parent, or guardian of the infant, if there be one within this State, and with the committee or other person having the care of the person or estate of the person alleged to be *non compos mentis*, if any such committee or other person be found within this State. In case any owner or person on whom such notice is above required to be served, be not found within this State, then such notice may be served either by delivering a copy thereof to such owner, or person to be served wherever found, or by the publication of the same at least once a week for two successive weeks in some newspaper published in the county where the lands or property sought to be condemned may be, or if such lands or property lie within the city of Baltimore, by publication of such notice at least twice a week for two successive weeks in some daily newspaper published therein. Any court to which the inquisition of the jury may be returned, for confirmation, may, in its discretion, by order, either require the legal guardian or the committee of the infant, or non-sane owner (if there be such guardian or committee within the jurisdiction of the court) to appear, show cause against such confirmation or otherwise protect the interests of such infant or non-sane owner, or appoint a guardian *ad litem* to represent such infant or non-sane owner, and protect the interests of such owner.

This section referred to in construing sec. 335—see notes thereto. *Webster v. Susquehanna Pole Line Co.*, 112 Md. 421.